

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

THE VERMONT COUNTRY STORE, INC.
and GRAVEL AND SHEA, Plaintiffs,

v.

Docket No. 1:05-cv-63

MICHAEL E. NELSON and
ALAN GOLDMAN, Defendants.

DECLARATION OF ALAN GOLDMAN

Alan Goldman declares, under penalty of perjury in accordance with 28 U.S.C. §§ 1746,
that the following is true and correct:

1. I did register the trade name "Montpelier Vermont Country Store The" with the Vermont Secretary of State. The Vermont Secretary of State approved my registration of that trade name. It was done on January 28, 2004, which is more than a year ago. [The Registration is Attachment A"]
2. At no time have I , or The Montpelier Vermont Country Store sold, offered for sale, advertised for sale, advertised or transported any **goods** in commerce under or using the trade name "The Montpelier Vermont Country Store".
3. At no time have I , or The Montpelier Vermont Country Store sold, offered for sale, or transported any **services** in commerce under or using the trade name The Montpelier Vermont Country Store.
4. My contemplated business for use of the trade name The Montpelier Vermont Country Store was an idea but it never evolved to the stage of implementation. "The Montpelier Vermont Country Store" does not now have and never did have any inventory,

catalogue, goods, supplier of goods or arrangement with any supplier of goods.

5. "The Montpelier Vermont Country Store" does not now have and never did have a bricks and mortar location.

6. "The Montpelier Vermont Country Store" does not now have and never has had any website on the Internet.

7. The Plaintiffs base their complaint, in part, upon the use of the Uniform Resource Locator ("URL") www.montpeliercountrystore.com. That website is not now and never has been owned or controlled by me or by "The Montpelier Vermont Country Store."

8. The URL of that website about which Plaintiffs complain, www.montpeliercountrystore.com, differs materially from the "The Montpelier Vermont Country Store" trade name I registered with the Vermont Secretary of State.

9. The URL www.montpeliercountrystore.com about which the Plaintiffs complain is owned by Michael E. Nelson and/or by his company, BiCoastal Consulting. The site expressly states "copyright Mike Nelson." [See Attachment B]. I did not authorize any use of my trade name "The Montpelier Vermont Country Store" on that website (or any where else) to advertise for sale or solicit any orders for goods or services.. There were no listings on that website of any specific goods being available for sale from "The Montpelier Vermont Country Store". "The Montpelier Vermont Country Store" has never accepted, received or filled any order for goods which may have been directed to that website.

10. There is an organization in Vermont named "Vermont Alliance of Independent Country Stores." My review of this organization's website, at www.vaics.org/, [Attached as Exhibit C] shows that the following eighteen Vermont stores use the phrase "country store" as part of their names: Bridgewater Corners Country Store, East Charleston Country Store, Jericho

Center Country Store, Jerusalem Corners Country Store, Jonesville Country Store, Mendon Country Store, Morgan Country Store; North Concord Country Store, North Montpelier/Riverbend Country Store, Ripton Country Store, Roxbury Country Store, Shaftsbury Country Store, South Woodstock Country Store, Taftsville Country Store, Underhill Country Store, Wardsboro Country Store, West Arlington Wayside Country Store and Clutes Country Store. The names of all but one of these eighteen "country stores" also includes the name of the municipality in which the store is located.

11. It is my understanding that Vrest Orten was the founder of the Plaintiff, The Vermont Country Store, Inc. Mr. Orten authored a book entitled "The Story Of The Vermont Country Store" which was published by Academy Books of Rutland, Vermont in 1983. The following text appears at page 8 of that book [See "Attachment D"]:

There's another phase of history which is a kind of duty. The early settlers who landed at Massachusetts Bay Colony began creating what we would call today, institutions. One major institution still with us is the town meeting, supposedly the essence of democracy. Another institution of which there are few examples left is the New England village with a few houses built around a common or village green. And of course there is the country store.

We feel that this early American institution which we have restored here in southern Vermont is worthy of preservation. This nation today is full of stores in the country but few are authentic examples of the genuine country store in rural America. The national recognition we have received both in the press and letters from the public impose upon us a duty to continue to keep alive this keystone of American culture.

12. Independent country stores in Vermont are the subject of a June 7, 2003 proclamation by the Governor of Vermont. [Attachment E]. The proclamation recognizes that the independent country store is, *inter alia*, a fundamental component of Vermont's commerce, history and landscape, integral to Vermont's individuality, represents the core values and ethics of Vermonters, is central to a mixed innovative and dynamic economic and community climate and contributes to a critical understanding and respect for Vermont's heritage. It also proclaims September 2003 as "Independent Country Store Month in Vermont";

13. I conducted research by utilizing the Trademark Electronic Search System (“TESS”) database of trademark applications maintained by the United States Patent and Trademark Office records located at www.uspto.gov. That search revealed 139 applications for trademarks which include the term COUNTRY STORE.[“Attachment F”]

14. Record 79 out of 139 is the application of the Plaintiff for registration Number 1591451 for the alleged mark VERMONT COUNTRY STORE.[“Attachment G”]. In that registration, plaintiff VCS was required to “disclaim” its exclusive right to use the term COUNTRY STORE. That application also contains a “distinctiveness limitation” “AS TO THE WORD VERMONT.”

15. Record 44 out of 139 is the application of the Plaintiff for registration Number 2298586 for the word mark THE VERMONT COUNTRY STORE APOTHECARY.” [“Attachment H”] The application also contains a “distinctiveness limitation” “AS TO ‘THE VERMONT COUNTRY STORE.’”

16. I am not now nor have I never been in any contractual or other business association with Michael E. Nelson relating to the selling of goods and/or services or the advertisement of goods and services for sale.

17. If Michael E. Nelson did any of the acts that VCS’s complaint alleges he did, they were not done or authorized by me or by “The Montpelier Vermont Country Store.”

18. The reason the “The Montpelier Vermont Country Store” trade name I registered with the Vermont Secretary of State used the words “Montpelier Vermont” was to designated the location of my intended store. I felt that the “Vermont” component was advisable to differentiate my intended store location from the Montpeliers in a number of other states.

Dated this 25th day March, 2005 at Montpelier, Vermont.


Alan Goldman

VERMONT SECRETARY OF STATE

Deborah L. Markowitz

ARCHIVES

CORPORATIONS

ELECTIONS

OTHER PROGRAMS

PROFESSIONAL REGULATIONS

SECRETARIAT

Tradename Information

Trade Name	MONTPELIER VERMONT COUNTRY STORE THE
Status	Active
File Number	0137570
City State Zip	MONTPELIER VT 05602
Description	RETAIL STORE/ONLINE SALES
Registration Date	01/28/2004
Member 1	ALAN GOLDMAN
Address	1014 TERRACE ST
City State Zip	05602

Above accurate as of: 03/10/2005

Information Contact

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This Web Page is



A

ATTACHMENT B

Registration Date	December 7, 1998
Owner	(REGISTRANT) Vermont Country Store, The CORPORATION VERNONT P.O. Box 1108 Manchester Center VERNONT 052551108
Attorney of Record	MICHAEL D FISHMAN
Prior Registrations	1143763;1591451
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APOTHECARY" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL-2(F)-IN PART
Live/Dead Indicator	LIVE
Distinctiveness	as to "THE VERMONT COUNTRY STORE"
Limitation Statement	

More-Information@montpeliercountrystore.com

Bookmark Montpelier Country Store
[Customer Requests & Suggestions](#)
[Copyright Mike Nelson](#)

Web Hosting



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Member Stores

Adamant Co-op
Barnard General
Benson Village
Bloomfield/Debanville General
Bradford/Bliss Village
Braintree/Snowsville General
Bridgewater Corners Country
Bristol/Village Corner
Brookfield Valley
Cambridge/Village Market
Castleton Village
Charlotte/Old Brick Store
Chelsea/Will's Store
Chester/Lisai's Chester Market
Danby Four Corners Store
Dorset/H. N. Williams Store
Dorset/Peltier's Market
East Poultney General
Elmore Store
Evansville Trading Post
Glover/Currier's Quality Market
Grafton Grocery Market
Graniteville General
Greensboro/Willey's Store
Hyde Park/Village Market
Jericho Center Country
Jerusalem Corners Country
Jonesville Country
Marshfield Village
Mendon Country
Monkton General
Morgan County
Newbury Village
Newfane Market
North Montpelier/Riverbend Country
Northfield Falls/Falls General
Norwich/Dan & Whit's
Panton General
Pawlet/Mach's General
Peru/Bromley Market
Pittsford/Kamuda's Market
Plainfield/The Red Store
Randolph Center/Floyd's Store
Ripton Country
Roxbury Country
Saint Albans/Center Market
Saxtons River Village
South Stratford/Coburn's
South Woodstock Country
Taftsville Country
Underhill Country
Waits River General
Waitsfield/Village Grocery
Wardsboro Country
Warren Store
West Arlington/Wayside Country
West Charleston Corner
West Bridgewater/Sunrise General
West Danville/Hastings Store
Woodbury Village

VERMONT ALLIANCE OF INDEPENDENT COUNTRY STORES

Vermont's *Independent* Country Stores

The Vermont Alliance of Independent Country Stores is a nonprofit organization whose mission is to promote and enhance country stores, while preserving their unique heritage and contributions to their communities.

This site can help you plan your trip through Vermont, as you stop at our Independent Country Stores for food and fuel and souvenirs and conversation and new friendships. Our individual store pages tell you what products and services you can find, offer pictures of the stores along with local history background, and give links to local sites and other information.

Tour Vermont -- Country Stores Welcome You!

[To the Store Locator](#)

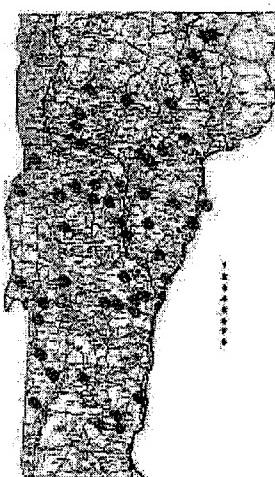
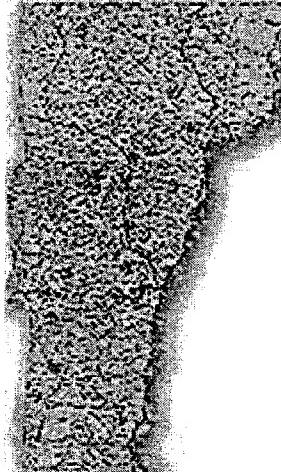
Planning your Vermont trek? Stop for directions, lunch, souvenirs, and the best of Vermont hospitality along the way! Use the [Tour Map of Country Stores](#) to help make the most of your visit to the Green Mountains! We're updating our tours and maps to include our eight new store members! Almost finished! Another day now!

It's the Banner!

Look for the banner or the Alliance decal and know that you're in one of Vermont's *genuine independent country stores!* Alliance members also now sport the Vermont Seal of Quality!

CNN Was at the Alliance Meeting!

Watch the CNN report in the [Newsroom](#) and see some pictures of the meeting. There are other videos and news articles in the [Newsroom](#) or you can watch our own homemade video of available in streaming Real Media or WindowsMedia formats. Watch "Vermont's *Independent Country Stores*"



[To the Tour Guide](#)



Vermont Village Foods -- A

Seal of Quality

C

The Story of
The Vermont Country Store
AN AMERICAN INSTITUTION

By

VREST ORTON

Former President, American Association of Historic Sites Public Officials;
Chairman of the Vermont Historic Sites Commission;
Vice President, Vermont Historical Society.



ACADEMY BOOKS - RUTLAND, VERMONT

D



Chapter 1 The Feeling

Meaning of History

Many young people today have reservations about the necessity of knowing history. They don't realize its importance and the fact that without history we could never understand the present or prepare for the future. To illustrate the remarkable necessity for knowing history the following story was told me many years ago by Dr. Frank Monaghan, professor of History at Yale.

One day the police in New York City picked up a man lying on the sidewalk. Since they couldn't discover any visible injuries and since he was unconscious they rushed him to Bellevue Hospital. Interrogated by a team of medical doctors, they found that the man didn't know who he was, where he had come from, what he was doing in New York or where he was going.

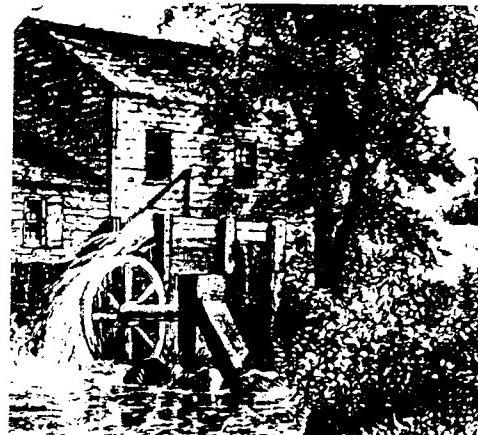
The doctors finally diagnosed the problem as amnesia.

I call it a loss of history.

There's another phase of history which is a kind of duty. The early settlers who landed at Massachusetts Bay Colony began creating what we would call today, institutions. One major institution still with us is the town meeting, supposedly the essence

of democracy. Another institution of which there are few examples left is the New England village with a few houses built around a common or village green. And of course there is the country store.

We feel that this early American institution which we have restored here in southern Vermont is worthy of preservation. This nation today is full of stores in the country but few are authentic examples of the genuine country store in rural America. The national recognition we have received both in the press and letters from the public impose upon us a duty to continue to keep alive this keystone of American culture.



ATTACHMENT E

STATE OF VERMONT
EXECUTIVE DEPARTMENT
A PROCLAMATION

WHEREAS,

the independent country store has been a fundamental component of the commerce, history and landscape of Vermont since its earliest days; and

WHEREAS,

the independent country store is integral to Vermont's individuality as reflected in its towns, villages, and cities; and

WHEREAS,

the independent country store is a family enterprise that represents the core values and ethics of Vermonters; and

WHEREAS,

the independent country store is a year-round center for goods, news, services, information, and help in times of need; and

WHEREAS,

the independent country store is a welcome center that contributes to the decision to visit Vermont and makes such visits rewarding; and

WHEREAS,

the independent country store is central to a mixed, innovative, and dynamic economic and community climate; and

WHEREAS,

the strong and healthy survival of independent country stores is essential to families, their community, their security and their well-being; and

WHEREAS,

the independent country store continues to contribute to a critical understanding and respect for Vermont's heritage.

NOW THEREFORE,

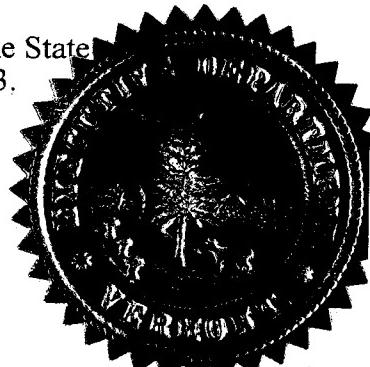
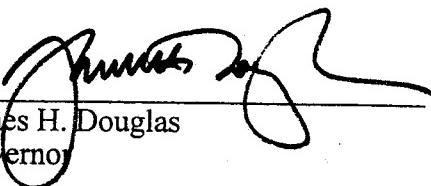
I, James H. Douglas, Governor, do hereby proclaim September 2003, as

INDEPENDENT COUNTRY STORE MONTH

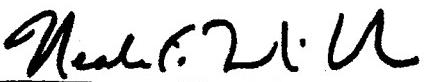
in Vermont.

Given under my hand and the Great Seal of the State of Vermont this 7th day of June, A.D. 2003,

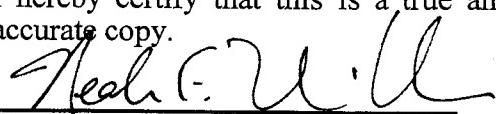

James H. Douglas
Governor



By the Governor:


Neale F. Lunderville
Secretary of Civil and Military Affairs

I hereby certify that this is a true and accurate copy.


Neale F. Lunderville
Secretary of Civil and Military Affairs

E



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Current Search: S1: ((country)[MN] and (store)[MN]) docs: 139 occ: 280

Serial Number	Reg. Number	Word Mark	Check Status	Live/Dead
1	78555036	FARMERS COUNTRY KITCHEN AND STORE	TARR	LIVE
2	78352202	FARMERS KITCHEN AND COUNTRY STORE	TARR	LIVE
3	78554185	FARMERS KITCHEN & COUNTRY STORE	TARR	LIVE
4	78174513	COUNTRY STORE CANDIES	TARR	DEAD
5	78487656	FARMERS KITCHEN & COUNTRY STORE	TARR	LIVE
6	78493107	STEAMBOAT COUNTRY STORE	TARR	LIVE
7	78102028	STEINBECK COUNTRY GENERAL STORE	TARR	LIVE
8	78476662	WILLIAMS COUNTRY STORE	TARR	LIVE
9	78174527	COUNTRY STORE CANDIES	TARR	LIVE
10	78273667	THE AMISH COUNTRY STORE	TARR	DEAD
11	78198850	A COUNTRY STORE ONLINE	TARR	DEAD
12	78124563	COUNTRY STORE	TARR	DEAD
13	78096740	GREEN ACRES COUNTRY STORE	TARR	LIVE
14	76382780	KEYSTONE COUNTRY STORE FT. LOUDON, PA HUNTING TEAM	TARR	DEAD
15	76420421	ORIGINAL CRACKER BARREL OLD COUNTRY STORE CAST IRON	TARR	LIVE
16	76394221	MUSIC CATALOGUE CRACKER BARREL OLD COUNTRY STORE	TARR	LIVE
17	76325064	HALF RESTAURANT HALF STORE ALL COUNTRY	TARR	LIVE
18	76325063	HALF RESTAURANT HALF STORE ALL COUNTRY	TARR	LIVE
19	76440834	COUNTRY STORE	TARR	LIVE
20	76474239	POA COUNTRY STORE	TARR	LIVE

21	76066529	2596911	AMERICA'S COUNTRY STORE	TARR	LIVE
22	76086703		REMINGTON HOMES COUNTRY STORE	TARR	LIVE
23	76382782	2770916	KEYSTONE COUNTRY STORE FORT LOUDON, PA	TARR	LIVE
24	76304291	2620919	SEARCHING THE AMERICA'S & BEYOND FOR THINGS WORTH HAVING FOR YOU & YOUR HOME BLUE WHALE COUNTRY STORE	TARR	LIVE
25	76128748		AMERICA'S COUNTRY STORE	TARR	DEAD
26	76115977	2712535	BRANLYN WOODS THE COUNTRY LIVING STORE	TARR	LIVE
27	76095185		POKEY'S SLOW COOKED BAR-B-Q & COUNTRY STORE	TARR	DEAD
28	76094611		"AMERICA'S COUNTRY STORE...A RURALPOLITAN STORE!"	TARR	DEAD
29	75268564	2144665	CPCA COUNTRY STORE	TARR	DEAD
30	75461800	2260787	CRACKER BARREL OLD COUNTRY STORE	TARR	LIVE
31	75004101	2213197	CRACKER BARREL OLD COUNTRY STORE NEIGHBORHOOD	TARR	LIVE
32	75424427	2256764	THE COUNTRY SAMPLER STORE	TARR	LIVE
33	75808387	2471046	AMERICA'S COUNTRY STORE	TARR	LIVE
34	75214667	2182902	AMERICA'S COUNTRY STORE	TARR	LIVE
35	75424428	2259026	THE COUNTRY SAMPLER STORE	TARR	LIVE
36	75115641	2052777	YESTERDAY'S FURNITURE AND COUNTRY STORE	TARR	DEAD
37	75895989	2433358	MCILHENNY CO. TABASCO COUNTRY STORE	TARR	LIVE
38	75723238		MOUNTAIN MADE.COM A VIRTUAL WEST VIRGINIA COUNTRY STORE	TARR	DEAD
39	75591115	2373897	SWEET DONNA'S COUNTRY STORE, RESTAURANT & BAKERY	TARR	LIVE
40	75576819		CASCADE COUNTRY STORE	TARR	DEAD
41	75443545		KOOTZNAHOO GAZETTE AND COUNTRY STORE	TARR	DEAD
42	75350905	2242541	A COUNTRY STORE IN YOUR MAILBOX	TARR	LIVE
43	75311547	2449432	REPLAY COUNTRY STORE	TARR	LIVE
44	75304465	2298586	THE VERMONT COUNTRY STORE APOTHECARY	TARR	LIVE
45	75129655		COUNTRY STORE BRAND	TARR	DEAD
46	75120324		THE OLD COUNTRY STORE	TARR	DEAD
47	75010345		FLAPJACKS COUNTRY COOKIN' GENERAL STORE	TARR	DEAD
48	74471449	1864102	THE VERMONT COUNTRY STORE	TARR	LIVE
49	74664245	2034882	CRACKER BARREL OLD COUNTRY STORE	TARR	LIVE
50	74578235	1931274	CRACKER BARREL OLD COUNTRY STORE	TARR	LIVE
51	74376622	1850102	RUDY'S COUNTRY STORE AND BAR-B-Q	TARR	LIVE
52	74679034	2106168	CRACKER BARREL CORNER MARKET OLD COUNTRY STORE'S QUALITY TAKE HOME FOODS	TARR	DEAD
53	74679035		CRACKER BARREL CORNER MARKET OLD COUNTRY STORE'S QUALITY TAKE HOME FOODS	TARR	DEAD
54	74670452		THE COUNTRY STORE APOTHECARY	TARR	DEAD
55	74597104	1945393	GIMBEL & SONS COUNTRY STORE	TARR	DEAD
56	74568851		AUNT ALLIE'S RESTAURANT COUNTRY STORE	TARR	DEAD
57	74541174	2010618	KAWLIGA'S COUNTRY WESTERN STORE LTD.	TARR	DEAD
58	74416654	1894415	MAYFAIR COUNTRY STORE	TARR	DEAD

59	74397056	1882285	COUNTRY STORE	TARR	DEAD
60	74397055	1907416	REPLAY COUNTRY STORE	TARR	LIVE
61	74333714	2188667	BIRDWATCHERS' COUNTRY STORE	TARR	LIVE
62	74322970	1846074	CAMBRIDGE COUNTRY STORE	TARR	DEAD
63	74289990		COUNTRY STORE	TARR	DEAD
64	74276324	2012957	TOY FARMER COUNTRY STORE	TARR	LIVE
65	74261893		COUNTRY STORE	TARR	DEAD
66	74257485	1825985	C.J. CRAVEN'S OLD COUNTRY STORE COFFEE SHOPPE BAKERY DESSERT PARLOR NEW COUNTRY RESTAURANT	TARR	DEAD
67	74166853	1779070	FARMSIDE COUNTRY STORE	TARR	LIVE
68	74083980	1674639	POLO COUNTRY STORE	TARR	LIVE
69	74069682		AGWAY COUNTRY STORE	TARR	DEAD
70	74069681		AGWAY COUNTRY STORE	TARR	DEAD
71	74051034	1634580	COUNTRY SUPPLY CO. BLACKSMITH GRAND HOTEL SHERIFF SALOON GENERAL STORE	TARR	DEAD
72	73633046	1466320	PIECEMAKERS COUNTRY STORE	TARR	LIVE
73	73633045	1468461	PIECEMAKERS COUNTRY STORE	TARR	LIVE
74	73633044	1461073	PIECEMAKERS COUNTRY STORE	TARR	LIVE
75	73382917	1277219	CALLAWAY GARDENS COUNTRY STORE	TARR	LIVE
76	73382918	1277444	CALLAWAY GARDENS COUNTRY STORE	TARR	LIVE
77	73176420	1142958	CRACKER BARREL OLD COUNTRY STORE	TARR	LIVE
78	73440979	1295460	COUNTRY STORE	TARR	LIVE
79	73810581	1591451	VERMONT COUNTRY STORE	TARR	LIVE
80	73358570	1261827	COUNTRY STORE BRAND	TARR	LIVE
81	73797405	1576441	COUNTRY STORE	TARR	LIVE
82	73786535	1566559	WESTMORELAND'S COUNTRY STORE	TARR	DEAD
83	73766362	1553337	TABASCO COUNTRY STORE	TARR	LIVE
84	73758589	1554212	CALEF'S COUNTRY STORE	TARR	DEAD
85	73714863	1576314	MOOSEHEAD COUNTRY STORE	TARR	DEAD
86	73697844	1497690	TABASCO COUNTRY STORE	TARR	LIVE
87	73673225	1479454	THE COUNTRY-STORE TELEPHONE	TARR	LIVE
88	73652812		WESTMORELAND'S COUNTRY STORE	TARR	DEAD
89	73648902	1460268	MOM 'N' POP'S COUNTRY STORE AND RESTAURANT	TARR	DEAD
90	73647986	1460250	MOM 'N' POP'S COUNTRY STORE AND RESTAURANT	TARR	DEAD
91	73635145	1482525	THE MARYLAND COUNTRY STORE	TARR	DEAD
92	73621820	1497961	THE TUSSIE MUSSIE COUNTRY STORE - STURBRIDGE-	TARR	DEAD
93	73597839	1434862	COUNTRY STORE	TARR	LIVE
94	73565186	1433102	COUNTRY STORE	TARR	LIVE
95	73562403	1447697	THE COUNTRY STORE	TARR	DEAD
96	73559612	1440872	STEEL BEAR DELI & COUNTRY STORE	TARR	DEAD
97	73501881		RED ROOSTER COUNTRY STORE	TARR	DEAD
98	73496820	1341072	HOWARD KAPLAN'S FRENCH COUNTRY STORE	TARR	DEAD
99	73496819	1342604	HOWARD KAPLAN'S FRENCH COUNTRY STORE	TARR	DEAD
100	73496818	1340837	HOWARD KAPLAN'S FRENCH COUNTRY STORE	TARR	DEAD

101	73496817	1340790	HOWARD KAPLAN'S FRENCH COUNTRY STORE	TARR	DEAD
102	73496816	1340724	HOWARD KAPLAN'S FRENCH COUNTRY STORE	TARR	DEAD
103	73496815	1340516	HOWARD KAPLAN'S FRENCH COUNTRY STORE	TARR	DEAD
104	73496813	1342490	HOWARD KAPLAN'S FRENCH COUNTRY STORE	TARR	DEAD
105	73458834	1313669	COUNTY LINE COUNTRY CHEESE STORE	TARR	DEAD
106	73454634	1303283	PROF. BEAR'S COUNTRY SCHOOL STORE	TARR	DEAD
107	73432562	1301746	HOWARD KAPLAN'S FRENCH COUNTRY STORE	TARR	DEAD
108	73431555	1438207	THE COUNTRY STORE	TARR	LIVE
109	73348589		BERRENDA MESA FARMS COUNTRY STORE	TARR	DEAD
110	73345418		COUNTRY STORE	TARR	DEAD
111	73343974	1262565	WISCONSIN COUNTRY STORE	TARR	DEAD
112	73324467	1243716	THE COUNTRY STORE	TARR	DEAD
113	73321105	1203220	MOUNTAIN MIST COUNTRY STORE	TARR	DEAD
114	73318072		BEN HEG'S COUNTRY STORE	TARR	DEAD
115	73308066	1230130	THE GARDENS COUNTRY STORE	TARR	DEAD
116	73308065	1230529	GARDENS COUNTRY STORE	TARR	DEAD
117	73305127		COUNTRY STORE	TARR	DEAD
118	73303194	1314127	THE AMERICAN COUNTRY STORE	TARR	DEAD
119	73274665	1215757	THE COUNTRY STORE	TARR	DEAD
120	73265992	1152022	THE COUNTRY STORE	TARR	DEAD
121	73259426	1400565	COUNTRY STORE POPCORN	TARR	LIVE
122	73254087	1194024	THE MARLBORO COUNTRY STORE	TARR	DEAD
123	73253853	1213316	THE MARLBORO COUNTRY STORE	TARR	DEAD
124	73253755	1193647	THE MARLBORO COUNTRY STORE	TARR	DEAD
125	73253753	1193663	THE MARLBORO COUNTRY STORE	TARR	DEAD
126	73244385	1190269	THE OLDE TOWNE & COUNTRY STORE, INC.	TARR	DEAD
127	73236166	1161891	THE COUNTRY LIVING STORE	TARR	DEAD
128	73193325	1143763	THE VERMONT COUNTRY STORE	TARR	LIVE
129	73169776	1142479	STEINBECK COUNTRY GENERAL STORE	TARR	DEAD
130	73074446	1054866	COUNTRY STORE ON WHEELS	TARR	DEAD
131	72455039	0976055	WILESWOOD COUNTRY STORE	TARR	DEAD
132	72446521	0975098	IOWA COUNTRY STORE	TARR	DEAD
133	72452843	1003143	COUNTRY STORE	TARR	LIVE
134	81024959	1024959	COUNTRY STORE	TARR	DEAD
135	72443126	1028256	MARLBORO COUNTRY STORE	TARR	LIVE
136	72341439	0898452	"CRACKER BARREL" OLD COUNTRY STORE	TARR	DEAD
137	72339762	0921210	COUNTRY STORE POPCORN	TARR	DEAD
138	72310957	0893374	COUNTRY STORE MERCHANDISE	TARR	DEAD
139	72201924	0808165	COUNTRY STORE BUTTER-STICKS	TARR	DEAD

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Word Mark	VERMONT COUNTRY STORE
Goods and Services	IC 042. US 101. G & S: RETAIL DEPARTMENT STORE SERVICES. FIRST USE: 19840731. FIRST USE IN COMMERCE: 19840731
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	070306
Serial Number	73810581
Filing Date	July 3, 1989
Current Filing Basis	1A
Original Filing Basis	1A
Published for Opposition	January 16, 1990
Registration Number	1591451
Registration Date	April 10, 1990
Owner	(REGISTRANT) VERMONT COUNTRY STORE, THE CORPORATION VERNONT P.O. BOX 1108 MANCHESTER CENTER VERNONT 052551108
Prior Registrations	1143763
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "COUNTRY STORE" APART FROM THE MARK AS SHOWN
Description of Mark	THE MARK CONSISTS, IN PART, OF THE WORDS "VERMONT COUNTRY STORE" WHICH APPEAR ABOVE THE DOOR.
Type of Mark	SERVICE MARK

6

Register PRINCIPAL-2(F)-IN PART
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20040608.
Renewal 1ST RENEWAL 20040608
Live/Dead Indicator LIVE
Distinctiveness Limitation Statement AS TO THE WORD "VERMONT"

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Serial Number: 73810581

Registration Number: 1591451

Mark



(words only): VERMONT COUNTRY STORE

Standard Character claim: No

Current Status: This registration has been renewed.

Date of Status: 2004-06-08

Filing Date: 1989-07-03

Transformed into a National Application: No

Registration Date: 1990-04-10

Register: Principal

Law Office Assigned: (NOT AVAILABLE)

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 2004-06-09

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. VERMONT COUNTRY STORE, THE

Address:

VERMONT COUNTRY STORE, THE
P.O. BOX 1108

MANCHESTER CENTER, VT 052551108
United States
Legal Entity Type: Corporation
State or Country of Incorporation: Vermont

GOODS AND/OR SERVICES

International Class: 042
RETAIL DEPARTMENT STORE SERVICES
First Use Date: 1984-07-31
First Use in Commerce Date: 1984-07-31

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "COUNTRY STORE"

Description of Mark: THE MARK CONSISTS, IN PART, OF THE WORDS "VERMONT COUNTRY STORE" WHICH APPEAR ABOVE THE DOOR.

Section 2(f), in part, AS TO THE WORD "VERMONT"

Prior Registration Number(s):
1143763

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2004-06-08 - First renewal 10 year
2004-06-08 - Section 8 (10-year) accepted/ Section 9 granted
2000-04-10 - Combined Section 8 (10-year)/Section 9 filed
1995-12-15 - Section 8 (6-year) accepted & Section 15 acknowledged
1995-04-26 - Section 8 (6-year) and Section 15 Filed
1990-04-10 - Registered - Principal Register
1990-01-16 - Published for opposition
1989-12-20 - Notice of publication

1989-10-04 - Approved for Pub - Principal Register (Initial exam)

1989-09-28 - Examiner's amendment mailed

1989-09-05 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

MICHAEL D. FISHMAN
RADER, FISHMAN & GRAUER PLLC
1533 NORTH WOODWARD AVENUE
BLOOMFIELD HILLS, MI 48304



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Typed Drawing

Word Mark	THE VERMONT COUNTRY STORE APOTHECARY
Goods and Services	IC 035. US 100 101 102. G & S: mail order catalog services featuring natural health care remedies and supplements for beauty and health care. FIRST USE: 19970700. FIRST USE IN COMMERCE: 19970700
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	75304465
Filing Date	June 6, 1997
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	December 8, 1998
Registration Number	2298586
Registration Date	December 7, 1999
Owner	(REGISTRANT) Vermont Country Store, The CORPORATION VERNON P.O. Box 1108 Manchester Center VERNON 052551108
Attorney of Record	MICHAEL D FISHMAN
Prior Registrations	1143763;1591451
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "APOTHECARY" APART FROM THE MARK AS SHOWN
Type of Mark	SERVICE MARK
Register	PRINCIPAL-2(F)-IN PART
Live/Dead Indicator	LIVE
Distinctiveness	as to "THE VERMONT COUNTRY STORE"

PTO HOME	TRADEMARK	TESS Home	New User	STRUCTURED	FREE FORM	BROWSE Dict	TOP	HELP	PREV LIST
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Serial Number: 75304465

Registration Number: 2298586

Mark (words only): THE VERMONT COUNTRY STORE APOTHECARY

Standard Character claim: No

Current Status: Registered.

Date of Status: 1999-12-07

Filing Date: 1997-06-06

Transformed into a National Application: No

Registration Date: 1999-12-07

Register: Principal

Law Office Assigned: LAW OFFICE 101

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at TrademarkAssistanceCenter@uspto.gov

Current Location: 900 -File Repository (Franconia)

Date In Location: 1999-12-13

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Vermont Country Store, The

Address:

Vermont Country Store, The
P.O. Box 1108
Manchester Center, VT 052551108

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Vermont

GOODS AND/OR SERVICES

International Class: 035

mail order catalog services featuring natural health care remedies and supplements for beauty and health

care

First Use Date: 1997-07-00

First Use in Commerce Date: 1997-07-00

Basis: 1(a)

ADDITIONAL INFORMATION

Disclaimer: "APOTHECARY"

Section 2(f), in part, as to "THE VERMONT COUNTRY STORE"

Prior Registration Number(s):

1143763

1591451

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

1999-12-07 - Registered - Principal Register

1999-10-14 - Allowed for Registration - Principal Register (SOU accepted)

1999-10-14 - Statement of use processing complete

1999-09-02 - Amendment to Use filed

1999-10-12 - Case file assigned to examining attorney

1999-03-02 - Notice of allowance - mailed

1998-12-08 - Published for opposition

1998-11-06 - Notice of publication

1998-09-01 - Approved for Pub - Principal Register (Initial exam)

1998-06-09 - Communication received from applicant

1997-12-09 - Non-final action mailed

1997-11-20 - Case file assigned to examining attorney

CORRESPONDENCE INFORMATION

Correspondent

MICHAEL D FISHMAN (Attorney of record)

MICHAEL D FISHMAN
RADER FISHMAN & GRAUER PLLC
1533 N WOODWARD AVE STE 140
BLOOMFIELD HILLS MI 48304
